IN THE HIGH COURT OF JUDICATURE AT BOMBAY

TESTAMENTARY AND INTESTATE JURISDICTION

MISCELLANEOUS PETITION NO.75 OF 2005

The Administrator General,
Maharashtra State, Mumbai ...Petitioner

v/s

Mrs Mohini Satish Pandit ...Deceased

And

Ashpak Karim Khan ...Respondent

Mr Kirit J. Hakani for Petitioner.

Mr R.G.Ketkar i/b Mr R.M. Pethe for Respondent.

CORAM : D.K. DESHMUKH J.

DATE : 7TH JUNE 2007.

P.C. :-

1. Petition is granted in terms of prayer clauses (a) to (d). So far as the prayer clause (a) is concerned, it is clarified that in Exh.'B' to the petition, first property mentioned is Flat No.6, Rachana Regency, C.T.S. No.1098/9B, Model Colony, Shivaji Nagar, Pune 411 016. From the material on record, it appears that the sale deed of that property has been executed in favour of the respondent - Ashpak Karim Khan. The question whether the title to the property has validly passed to the said Ashpak Karim Khan cannot be decided in these proceedings. Therefore, liberty is granted to the petitioner to institute appropriate proceedings in appropriate Court in relation to that property. It is clarified that till the appropriate Court so decides, the respondent - Ashpak Karim Khan can continue to hold the said property and the Administrator General shall not interfere with the same. However, the respondent - Ashpak Karim Khan is directed that he shall not deal with, transfer, alienate or part with possession of the said property for a period of twelve weeks from today. Petition is disposed off. It is clarified that the appropriate authority to which the petitioner would approach in relation to the aforesaid flat, shall decide those proceedings on their own merits

without being influenced by the fact that this Court has made an interim order in relation to the said property.

. Parties to act on the copy of this order duly authenticated by the Associate / Private Secretary as true copy.

. Certified copy expedited.